

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RENE LUNA, JR.,

Plaintiff,

v.

OFFICER LOLL, *et al.*,

Defendants.

Case No. 1:21-cv-01291-AWI-BAM

ORDER FINDING SERVICE OF SECOND  
AMENDED COMPLAINT APPROPRIATE  
AND FORWARDING SERVICE  
DOCUMENTS TO PLAINTIFF FOR  
COMPLETION AND RETURN WITHIN  
THIRTY DAYS

(Docs. 20, 23)

**THIRTY (30) DAY DEADLINE**

Plaintiff Rene Luna, Jr., is a county jail inmate proceeding pro se and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

On April 20, 2022, the magistrate judge issued findings and recommendations that (1) this action proceed on Plaintiff's second amended complaint, filed on April 14, 2022, against Officers Loll and Gomez of the Kings County Sheriff's Department for excessive force in violation of the Fourth amendment; and (2) all other claims and defendants be dismissed, without prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted. (Doc. 21.) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days of service. (*Id.*) No objections were filed.

On June 10, 2022, the district judge issued an order adopting the findings and recommendations and directing that this action proceed on Plaintiff's second amended complaint, filed on April 14, 2022, against Officers Loll and Gomez of the Kings County Sheriff's Department for excessive force in violation of the Fourth Amendment. The district judge dismissed all other claims and defendants, without prejudice, due to Plaintiff's failure to state claims upon which relief may be granted. The matter was referred back to the undersigned for further proceedings consistent with the district court's order. (Doc. 23.)

Pursuant to the district court's order adopting the findings and recommendations, this action shall proceed on Plaintiff's second amended complaint, filed on April 14, 2022, against Officers Loll and Gomez of the Kings County Sheriff's Department for excessive force in violation of the Fourth Amendment.

Accordingly, the Court HEREBY ORDERS that:

1. Service shall be initiated on the following defendant:

**Officer Loll**, Sheriff's Deputy, Kings County Sheriff Department

**Officer Gomez**, Sheriff's Deputy, Kings County Sheriff Department

2. The Clerk of the Court shall send Plaintiff two (2) USM-285 form, two (2)

summons, a Notice of Submission of Documents form, an instruction sheet, and a copy of the second amended complaint filed on April 14, 2022, (Doc. 20);

3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall complete the attached Notice of Submission of Documents, and submit the completed Notice to the Court with the following documents:

a. One (1) completed summons for each defendant listed above;

b. One (1) completed USM-285 form for each defendant listed above; and

c. Three (3) copies of the endorsed second amended complaint filed on April 14, 2022.

4. Plaintiff need not attempt service on these defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants under Federal Rule of

Civil Procedure 4 without payment of costs; and

5. **The failure to comply with this order will result in dismissal of this action.**

IT IS SO ORDERED.

Dated: **June 13, 2022**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE